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09/385,299	08/30/1999	ALI MOSLEH	93-3-513	8955

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VERIZON
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EXAMINER

SOMERS, MARC S

ART UNIT	PAPER NUMBER
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2159

NOTIFICATION DATE	DELIVERY MODE
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06/08/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/385,299	Applicant(s) MOSLEH ET AL.	
	Examiner MARC SOMERS	Art Unit 2159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 30-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 30-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendments were received on 4/20/2010. Claims 1-17 and 30-54 are pending where claims 1-17 and 30-54 were previously presented and claims 18-29 were cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 7, 9-12, 14-17, 36, 38-41, 43-46, and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sainton [US 5,761,621] in view of Cohn et al [5,740,231].

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5. With regard to claim 7, Sainton teaches a method of accessing an information system using a portable access device (see Figures 4A and 4B and col 2, lines 43-55;), the method comprising:

receiving a request from said portable access device to access a network server (see col 14, lines 45-47; the portable access devices determines when a user wants to connect to a communication service);

the communication link being established by using the selected communication channel when no user action is required to establish the communication link (see col 16, lines 28-31; the system automatically establishes the communication link based on a competitive selection process);

wherein said communication channel is selected from the group consisting of: local wireless LAN, remote wireless LAN, wireline LAN, and Public Switched Telephone Network (PSTN) (see col 5, lines 13-29; the portable access device attempts to establish a communication link between itself and any available communication network);

and displaying a notification to instruct a user to perform a user action to establish the communication link when the user action is required to establish the communication link (see col 16, lines 30 and 31; the user is provided with a user interface in order to select the service to use, i.e. to establish the communication link with a particular communication network; note that the user interface for the establishing or selecting of the communication network provides some sort of message, instruction,

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or notification to the user in order for the user to interact with the device in order to select the communication network).

6. Sainton does not explicitly teach identifying a communication profile associated with said network server; transmitting said communication profile to said portable access device; and establishing a communication link between said portable access device and said network server using a communication channel that is selected based on said communication profile, a location of said portable access device with respect to said network server, a desired quality of the communication link, and a cost of the communication link.

7. Cohn teaches identifying a communication profile associated with said network server; transmitting said communication profile to said portable access device (see col 7, lines 59-66; a database with communication protocols is kept so that the communication system can use that information to integrate and interconnect disparate sources and technologies of communication traffic and translate messages between the between the disparate sources; a database is searched for a communication profile and retrieved to indicate to the communication system how particular users are going to use the various media and their respective channels to send and receive communication messages).

8. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the communication system as taught by Sainton by incorporating the database of communication profiles as taught by Cohn in order to allow the communication system to identify the different communication media/channels

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that are used to communicate data with across various networks thus enabling the users of the system to be able to communicate successfully with various disparate networks thereby allowing the users to be able to receive their desired information.

9. Sainton in view of Cohn teach establishing a communication link between said portable access device and said network server using a communication channel that is selected based on said communication profile, a location of said portable access device with respect to said network server, a desired quality of the communication link, and a cost of the communication link (see Sainton, col 16, lines 55-60, col 16, lines 28-43, and col 14, lines 44-62; see Cohn, col 7, lines 59-66 and col 10, lines 1-6; a communication link is established between the portable access device and a communication network based on a wide range of communication channels depending on where the portable access device is located and based on a competitive selection process based on various selection criteria including quality of the communication link and cost of the communication link).

10. With regard to claim 9, Sainton in view of Cohn teach accessing a central database; searching said central database for a communication profile associated with said network server; and retrieving said communication profile (see Cohn, col 7, lines 59-66; a database is searched for a communication profile and retrieved to indicate to the communication system how particular users are going to use the various media and their respective channels to send and receive communication messages).

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11. With regard to claim 10, Sinton in view of Cohn teach configuring said portable access device to transmit using one of a plurality of communication channels in accordance with said communication profile; verifying the availability of said communication channel; and initiating communication between said portable access device and said network server using one of said communication channels (see Sinton, col 14, lines 51-62; see Cohn, col 7, lines 59-66; the portable device is configured with a particular communication profile and transmits the information when the communication channel/medium is available).

12. With regard to claim 11, Sinton in view of Cohn teach transmitting a first request to a local wireless LAN transceiver; transmitting a second request to a remote wireless LAN transceiver when a communication link cannot be established with said local wireless LAN transceiver; and connecting to a PSTN when a communication link cannot be established with said remote wireless transceiver (see Sinton, col 5, lines 13-29 and col 14, lines 44-62; col 16, lines 28-54; and col 18, lines 7-18; the system has a variety of communication links to connect to including wireless LAN communication links and a PSTN communication link; the system selects a particular communication link and based on various criteria including performance degradations and then requests to establish a communication link with the particular selected communication link; however, if the performance or signal quality does not meet the user-specified criteria then the system will automatically select the "next best" communication link and try again).

13. With regard to claim 12, this claim is substantially similar to claim 7 and is rejected for the same reasons as claim 7 as discussed above. The differences between claim 7 and 12 are that claim 12 recites transmitting from said portable access device to a first network server, a request to access a second network server; receiving said request at said first network server (see Sainton, col 16, lines 10-12 and see Cohn, Figure 1; the portable access devices attempts to access a network server).

14. With regard to claims 15 and 16, these claims are substantially similar to claims 9 and 10 respectively and are rejected for the same reasons as discussed above.

15. With regard to claims 36, 38, 39, 41, 44, and 45, these claims are substantially similar to claims 7, 9, 10, 12, 15, and 16 respectively and are rejected for the same reasons as discussed above. The only difference between claims 36, 38, 39, 41, 44, and 45 from claims 7, 9, 10, 12, 15, and 16 is that claims 36, 38, 39, 41, 44, and 45 recite a computer-readable storage medium (see Sainton, col 5, lines 62-65; various computer readable storage medium can be used).

16. With regard to claims 14, 17, 40, 43, and 46, these claims are substantially similar to claim 11 and are rejected for the same reasons as discussed above.

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17. With regard to claim 51, this claim is substantially similar to claim 11 and is rejected for the same reasons as discussed above.

18. With regard to claim 52, Sainton in view of Cohn teach determining, by the access device, whether or not the communication profile is stored locally by the access device; and establishing communication with a second server to retrieve the communication profile, if the communication profile is not stored locally (see Cohn, col 7, lines 59-66; a database is searched for a communication profile and retrieved to indicate to the communication system how particular users are going to use the various media and their respective channels to send and receive communication messages).

19. With regard to claim 53, this claim is substantially similar to claims 14 and 17 and is rejected for the same reasons as discussed above.

20. Claims 1-6, 8, 13, 30-35, 37, 42, 47-50, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sainton [US 5,761,621] in view of Cohn et al [5,740,231] and Ishizuka et al [US 5,805,666].

21. With regard to claim 1, Sainton teaches attempting, by the portable access device, to establish a communication link between the portable access device and the first network server using communication channel that is selected by the portable

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access device, wherein the communication channel is selected from the group consisting of: a local wireless LAN, a remote wireless LAN, a wireline LAN, and a Public Switched Telephone Network (PSTN) (see col 14, lines 45-47; the portable access devices determines when a user wants to connect to a communication service; see col 5, lines 13-29; the portable access device attempts to establish a communication link between itself and any available communication network);

establishing the communication link by using the selected communication channel when no user action is required to establish the communication link (see col 16, lines 28-31; the system automatically establishes the communication link based on a competitive selection process);

and displaying a notification to instruct a user to perform a user action to establish the communication link when the user action is required to establish the communication link (see col 16, lines 30 and 31; the user is provided with a user interface in order to select the service to use, i.e. to establish the communication link with a particular communication network; note that the user interface for the establishing or selecting of the communication network provides some sort of message, instruction, or notification to the user in order for the user to interact with the device in order to select the communication network).

22. Sinton teaches that memory is used on the portable access device (see Sinton, col 5, lines 61-65) but does not explicitly teach identifying a communication profile associated with a first network server; using communication channel that is selected by the portable access device based on the communication profile, a location

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of said portable access device with respect to the first network server, a desired quality of the communication link, and a cost of the communication link, and capturing data received by the portable access device in a memory located in the portable access device in accordance with a failed attempt to establish the communication link.

23. Cohn teaches identifying a communication profile associated with a first network server (see col 7, lines 59-66; a database with communication protocols is kept so that the communication system can use that information to integrate and interconnect disparate sources and technologies of communication traffic and translate messages between the between the disparate sources).

24. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the communication system as taught by Sainton by incorporating the database of communication profiles as taught by Cohn in order to allow the communication system to identify the different communication media/channels that are used to communicate data with across various networks thus enabling the users of the system to be able to communicate successfully with various disparate networks thereby allowing the users to be able to receive their desired information.

25. Sainton in view of Cohn teach using communication channel that is selected by the portable access device based on the communication profile, a location of said portable access device with respect to the first network server, a desired quality of the communication link, and a cost of the communication link (see Sainton, col 16, lines 55-60, col 16, lines 28-43, and col 14, lines 44-62; see Cohn, col 7, lines 59-66 and col 10, lines 1-6; a communication link is established between the portable access device and a

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communication network based on a wide range of communication channels depending on where the portable access device is located and based on a competitive selection process based on various selection criteria including quality of the communication link and cost of the communication link) but do not explicitly teach capturing data received by the portable access device in a memory located in the portable access device in accordance with a failed attempt to establish the communication link.

26. Ishizuka teaches capturing data received by the portable access device in a memory located in the portable access device in accordance with a failed attempt to establish the communication link (see col 15, lines 40-43; when a failure of communication/connection is identified, memory can be used to store data and information so that the data can be transferred later).

27. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the communication system as taught by Sainton in view of Cohn by storing the data/information to be transmitted in memory as taught by Ishizuka in order to improve system integrity by storing the data that could not be transmitted in memory thus enabling the portable device to be able to continue operation and be able to resend information or message at a later time when a successful communication link has been established.

28. With regard to claim 2, Sainton in view of Cohn and Ishizuka teach searching an internal database for a communication profile associated with the first network server; and retrieving said communication profile from the internal database (see Cohn, col 7,

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lines 59-66; a database is searched for a communication profile and retrieved to indicate to the communication system how particular users are going to use the various media and their respective channels to send and receive communication messages).

29. With regard to claim 3, this claim is substantially similar to claim 2 and is rejected for the same reasons as discussed above. The only difference between claims 2 and 3 is that claim 3 recites transmitting from the portable access device to a second network server, a request to access the first network server when the communication profile cannot be found in the internal database (see Sainton, col 16, lines 10-12 and see Cohn, Figure 1; the portable access devices attempts to access a network server).

30. With regard to claim 4, this claim is substantially similar to claim 11 and is rejected for the same reasons as discussed above.

31. With regard to claim 5, Saint in view of Cohn and Ishizuka teach configuring said portable access device to transmit using one of a plurality of communication channels, in accordance with said communication profile; verifying the availability of said communication channel; and initiating communication between said portable access device and said network server along said communication channel (see Sainton, col 14, lines 51-62; see Cohn, col 7, lines 59-66; the portable device is configured with a particular communication profile and transmits the information when the communication channel/medium is available).

32. With regard to claim 8, Sainton in view of Cohn teach all the limitations of claim 7 as discussed above.

33. Sainton in view of Cohn teach that memory is used on the portable access device (see Sainton, col 5, lines 61-65) but do not explicitly teach configuring said portable access device to capture data in memory in accordance with a failed attempt to establish said communication link.

34. Ishizuka teaches configuring said portable access device to capture data in memory in accordance with a failed attempt to establish said communication link (see col 15, lines 40-43; when a failure of communication/connection is identified, memory can be used to store data and information so that the data can be transferred later).

35. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the communication system as taught by Sainton in view of Cohn by storing the data/information to be transmitted in memory as taught by Ishizuka in order to improve system integrity by storing the data that could not be transmitted in memory thus enabling the portable device to be able to continue operation and be able to resend information or message at a later time when a successful communication link has been established.

36. With regard to claims 13 and 54, these claims are substantially similar to claim 8 and are rejected for the same reasons as discussed above.

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37. With regard to claim 47, Sainton in view of Cohn and Ishizuka teach searching an internal database of the portable access device for the communication profile associated with the first network server (see Cohn, col 7, lines 59-66; a database is searched for a communication profile and retrieved to indicate to the communication system how particular users are going to use the various media and their respective channels to send and receive communication messages);

transmitting from the portable access device to a second network server, a request to access the first network server when the communication profile cannot be found in the internal database (see Sainton, col 5, lines 13-29 and col 16, lines 28- 54; communication is transferred over a network when the portable access device is trying to connect to a particular network server);

and retrieving the communication profile server from the second network server (see Cohn, col 7, lines 59-66; a database is searched for a communication profile and retrieved to indicate to the communication system how particular users are going to use the various media and their respective channels to send and receive communication messages).

38. With regard to claims 30-32, 34, 37, 42, and 49, these claims are substantially similar to claims 1-3, 5, 8, 13, and 47 respectively and are rejected for the same reasons as discussed above. The only difference between claims 30-32, 34, 37, 42, and 49 and claims 1-3, 5, 8, 13, and 47 is that claims 30-32, 34, 37, 42, and 49 recite a

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computer-readable storage medium (see Sainton, col 5, lines 62-65; various computer readable storage medium can be used).

39. With regard to claims 6, 33, 35, 48, and 50, these claims are substantially similar to claim 4 and are rejected for the same reasons as discussed above.

Response to Arguments

40. Applicant's arguments (see the first paragraph on page 23 through the last paragraph on page 33) with respect to the rejection(s) of the claims under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sainton. The applicant amended the independent claims to incorporate new claim limitations that did not appear to be taught in the cited prior art of record. Upon a further search, a new ground of rejection has been made in view of Sainton. As discussed above, Sainton discloses the usage of a competitive selection process that incorporates various metrics including quality of a communication link and cost of a communication link when attempting to establish a communication link with a network server. Sainton further discloses that if the communication link does not meet all the user specified criteria then the "next best" communication link selection is selected and attempts to connect to the selected communication link.

Conclusion

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rogers et al [US 7,130,396].

42. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC SOMERS whose telephone number is (571)270-3567. The examiner can normally be reached on 9 am - 5 pm EST Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on (571) 272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARC SOMERS/
Examiner, Art Unit 2159
6/1/2010

/James Trujillo/
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